

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 TRACEY L. BROWN,

4 Petitioner

5 v.

6 THE STATE OF NEVADA, et al.,

7 Respondents

Case No.: 2:19-cv-02000-JAD-DJA

**Order Directing Petitioner
to Pay Filing Fee or Apply to
Proceed *In Forma Pauperis*
by January 13, 2020**

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9 Petitioner Tracey L. Brown has submitted a *pro se* petition for writ of habeas corpus
10 under 28 U.S.C. § 2254,¹ but he has not paid the \$5.00 filing fee or submitted a completed
11 application to proceed *in forma pauperis* with the required inmate account statements for the past
12 sixth months and financial certificate. As a result, this matter has not been properly
13 commenced.²

14 It is unclear from the papers presented whether a dismissal without prejudice could
15 materially affect a later analysis of any timeliness issue with regard to a new federal action.
16 Therefore, I give Brown until January 13, 2020, to either pay the \$5.00 filing fee or submit a
17 completed application to proceed *in forma pauperis* on the proper form with both an inmate
18 account statement for the past six months and a properly executed financial certificate. If Brown
19 does neither, I will dismiss this action without prejudice and without further prior notice.
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23 ¹ ECF No. 1-1.

² 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

IT IS THEREFORE ORDERED that Brown must by January 13, 2020, submit either (1) the \$5.00 filing fee or (2) a fully completed application to proceed *in forma pauperis*. If he fails to do one of these things, this case will be dismissed without prejudice.

Dated: December 12, 2019

U.S. District Judge Jennifer A. Dorsey